



Asamblea General

Distr. general
5 de noviembre de 2019
Español
Original: inglés

Consejo de Derechos Humanos

42º período de sesiones

9 a 27 de septiembre de 2019

Tema 6 de la agenda

Examen periódico universal

Carta de fecha 26 de septiembre de 2019 dirigida al Presidente del Consejo de Derechos Humanos por el Representante Permanente de Qatar ante la Oficina de las Naciones Unidas en Ginebra

Me dirijo a usted en relación con el análisis del resultado del examen periódico universal del Estado de Qatar, que tuvo lugar el 20 de septiembre de 2019 durante la 26ª sesión del 42º período de sesiones del Consejo de Derechos Humanos.

A este respecto, tengo el honor de informarle de que, en dicha sesión, señalé a la atención del Consejo los hechos que figuran a continuación.

Durante el examen del Estado de Qatar, celebrado el miércoles 15 de mayo de 2019 en el 33º período de sesiones del Grupo de Trabajo sobre el Examen Periódico Universal, los Emiratos Árabes Unidos formularon cuatro recomendaciones al Estado de Qatar, a saber: las recomendaciones 134.62, 134.63, 134.64 y 134.191 (véase A/HRC/42/15).

En su nota verbal de fecha 29 de mayo de 2019 (véase el anexo I), la secretaría del Examen Periódico Universal informó a la Misión Permanente del Estado de Qatar en Ginebra de que las enmiendas introducidas a las recomendaciones que figuraban en el proyecto de informe del Grupo de Trabajo sobre el Examen Periódico Universal que se había distribuido a todas las Misiones Permanentes el 17 de mayo de 2019 habían sido iniciadas por los Emiratos Árabes Unidos y comunicadas por ellos a la troika designada para el examen de Qatar, y de que, tras haber comprobado su exactitud con el archivo de audio e informado al Estado examinado, la troika, de conformidad con la práctica habitual, había introducido oralmente las enmiendas durante la aprobación del informe en la 18ª sesión del 33º período de sesiones del Grupo de Trabajo, celebrada el 17 de mayo de 2019. El Grupo de Trabajo aprobó el informe en su forma enmendada.

El 23 de mayo de 2019, el Embajador de los Emiratos Árabes Unidos ante el Reino de los Países Bajos y agente de los Emiratos Árabes Unidos ante la Corte Internacional de Justicia entregó una carta al Secretario de la Corte (véase el apéndice del anexo II) en la que notificaba la presentación de dos pruebas nuevas en relación con el expediente de la causa relativa a la aplicación de la Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial (*Qatar c. los Emiratos Árabes Unidos*).

En la carta se indicaba que la segunda prueba era un enlace a un vídeo en el que aparecían partes del proceso del examen periódico universal de Qatar. En el vídeo se ve que, el 17 de mayo de 2019, los Estados que formaban la troika examinadora anunciaron diversas enmiendas al informe del Grupo de Trabajo sobre Qatar. En la carta se mencionaban tres recomendaciones (de las cuatro formuladas por los Emiratos Árabes Unidos) y se indicaba que esas recomendaciones estaban relacionadas con las

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preocupaciones de los Emiratos Árabes Unidos sobre la falta de fiabilidad de las pruebas presentadas por el Comité Nacional de Derechos Humanos de Qatar durante la audiencia relativa a la solicitud de medidas provisionales presentada por los Emiratos Árabes Unidos. No obstante, en la carta dirigida al Secretario de la Corte Internacional de Justicia se omitió deliberadamente que los Emiratos Árabes Unidos habían formulado esas recomendaciones y sus enmiendas.

Es evidente que el propósito de la carta de los Emiratos Árabes Unidos era inducir a engaño a la Corte Internacional de Justicia haciéndole creer que las recomendaciones habían sido formuladas a Qatar por los Estados miembros que integraban la troika, y no por los Emiratos Árabes Unidos.

No se puede ignorar un comportamiento tan lamentable, que vulnera claramente los principios y objetivos establecidos para el mecanismo del examen periódico universal y señalados por el Consejo de Derechos Humanos en el párrafo 1 del anexo de su resolución 5/1, relativa a la construcción institucional del Consejo. Asimismo, constituye un uso indebido sin precedentes del mecanismo de examen, que se supone que debe utilizarse de una manera objetiva, transparente, no selectiva y constructiva que evite la confrontación y la politización, con el objetivo principal de promover y proteger los derechos humanos en el Estado examinado. El mecanismo no debe emplearse para fines que no tengan nada que ver con la causa de los derechos humanos.

Por la presente le reitero, señor Presidente, la solicitud que formulé durante la aprobación del resultado, esto es, que señale a la atención de los Emiratos Árabes Unidos la gravedad de su conducta indebida y pida a ese Estado que en el futuro evite ese tipo de comportamiento impropio.

Por último, le solicito que esta carta y sus anexos* se distribuyan como documento del Consejo de Derechos Humanos en su 42º período de sesiones.

(Firmado) Ali **Al-Mansouri**
Embajador/Representante Permanente

* Se reproducen tal como se recibieron, en el idioma en que se presentaron únicamente.

Annex I to the letter dated 26 September 2019 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Note verbale dated 29 May 2019 from the Secretariat of the Universal Periodic Review of the Human Rights Council addressed to the Permanent Mission of the State of Qatar to the United Nations Office at Geneva

The Secretariat of the Universal Periodic Review of the Human Rights Council presents its compliments to the Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva and has the honour to refer to the latter's Note Verbale 2019/0041302/5 of 28 May 2019 (Subject: Amendments made to recommendations presented to the State of Qatar).

The Secretariat wishes to inform that the amendments made to recommendations 6.62 – 64 and 6.191 in the Draft Report of the Working Group of the Universal Periodic Review on the State of Qatar (A/HRC/WG.6/33/L.13), distributed to all Permanent Missions on 17 May 2019, were initiated and communicated by the United Arab Emirates to the troika after its distribution. Upon verifying their accuracy against the audio file and informing the State under review, the troika, as per standard practice, orally introduced them at the adoption of the report in the 18th meeting of the 33rd session of the Working Group on 17 May 2019. The report, as amended, was adopted by the Working Group.

The following is the wording of the recommendations with the amendments in track changes:

- 6.62 Amend the Law 17 of 2010 regarding the establishment of the National Human Rights ~~Commission~~ Committee to ensure so that it is in compliance with the Paris Principles (United Arab Emirates);
- 6.63 Cease to instrumentalize the Human Rights ~~Commission~~ Committee in carrying activities for political ends and request avoid the Committee to refrain from implementing embarking upon the government programs in contradiction with that are not in tune with the Paris Principles in order and to ensure the independence of the ~~Human Rights Committee~~ session (United Arab Emirates);
- 6.64 Review ~~Revise~~ its national practices, activities, and ~~related national~~ legislation relevant to on the issue of terrorism issues to ensure that they are in conformity in order to harmonize its laws with international standards and the relevant United Nations ~~relevant~~ resolutions (United Arab Emirates);
- 6.191 Put an end to domestic violence and ~~to~~ provide protection and ~~appropriate~~ compensation to the victims ~~of domestic violence~~ (United Arab Emirates).

The Secretariat wishes to notify that the proceedings of the adoption of the draft report on the State of Qatar at the 18th meeting of the 33rd session of the Working Group have been recorded and are available at: <http://webtv.un.org/meetings-events/human-rights-council/watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038127276001/?term=>

Both versions of the report, as distributed and as adopted, are available on the UPR Extranet:

<https://extranet.ohchr.org/sites/upr/Sessions/33session/Qatar/Pages/default.aspx>

The Secretariat of the Universal Periodic Review of the Human Rights Council avails itself of this opportunity to renew to the Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva the assurances of its highest consideration.

Annex II to the letter dated 26 September 2019 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Letter dated 24 May 2019 from the Registrar of the International Court of Justice addressed to the agent of the State of Qatar before the Court and the attachment thereto

Sir,

With reference to the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), I have the honour to transmit to you herewith a copy of a letter from H.E. Dr. Hissa Abdullah Ahmed Al-Otaiba, Agent of the United Arab Emirates, dated 23 May 2019 and received in the Registry today. By her letter, the Agent “submit[s] two new pieces of evidence...relevant to the Request for the indication of provisional measures” presented by the United Arab Emirates on 22 March 2019.

Accept, Sir, the assurances of my highest consideration.

Philippe **Couvreur**
Registrar

Attachment

Excellency,

I have the honour to write to you to submit two new pieces of evidence onto the record of the case concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates). These two pieces of evidence are relevant to the Request for the Indication of Provisional Measures to Preserve the United Arab Emirates' Procedural Rights and to Prevent Qatar from Aggravating or Extending the Dispute filed by the United Arab Emirates (the "UAE") on 22 March 2019 (the "UAE's Request for Provisional Measures"). Each piece of evidence was issued after the 7-9 May 2019 hearing on the UAE's Request for Provisional Measures. Each piece of evidence is part of a publication that is readily available.

The first piece of evidence is a statement issued by the Ministry of Hajj and Umrah of the Kingdom of Saudi Arabia dated 14 May 2019.¹ It states, *inter alia*, that the State of Qatar ("Qatar") has blocked the website of the Saudi Ministry that was in charge of facilitating the travel of Qatari citizens to undertake pilgrimages to Mecca, Saudi Arabia.² This statement is relevant to the UAE's concern that Qatar is hampering the ability of Qatari citizens to apply for and obtain visas, raised during the hearing on the UAE's Request for Provisional Measures.

The second piece of evidence is a link to a video showing part of the proceedings regarding the United Nations' Human Rights Council Universal Periodic Review (the "UPR") of Qatar. The video shows that, on 17 May 2019, the reviewing Troika of States³ announced amendments to the Report of Qatar adopted by the UPR Working Group. The first three amendments to the Report ask Qatar to:

1. "Amend the Law 17 of 2010 regarding the establishment of the [Qatar] National Human Rights Committee to ensure that it is in compliance with the Paris Principles";⁴

2. "Cease to instrumentalise the [Qatar National] Human Rights Committee in carrying activities for political ends";⁵ and

3. "Request the [Qatar National Human Rights] Committee to refrain from implementing government programmes in contradiction with the Paris Principles in order to ensure the independence of the Committee".⁶

¹ See Saudi Press Agency, "Ministry of Hajj and Umrah Launches New Link to Receive Umrah Requests from Qatari Brothers", 14 May 2019, available at: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1924185>.

² Specifically, the press release states that: "The Ministry of Hajj and Umrah has announced the launch of new link (<https://qtumra.haj.gov.sa>) to receive Umrah requests from Qatari brothers. The launch of this link comes as the Qatari authorities blocked the access to the previous link (<https://qatari.haj.gov.sa>), which was used to receive Umrah requests from Qatari brothers." See Saudi Press Agency, "Ministry of Hajj and Umrah Launches New Link to Receive Umrah Requests from Qatari Brothers", 14 May 2019, available at: <https://www.spa.gov.sa/viewstory.php?lang=en&newsid=1924185>.

³ The Democratic Republic of Congo, Iraq and the United Kingdom.

⁴ UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019, minutes 2:20 to 2:39, available at: <http://webtv.un.org/meetings-events/security-council/watchbr%20watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.

⁵ UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019, minutes 2:40 to 2:48, available at: <http://webtv.un.org/meetings-events/security-council/watchbr%20watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.

These recommendations are relevant to the UAE's concerns about the unreliability of evidence produced by Qatar's National Human Rights Committee, raised during the hearing on the UAE's Request for Provisional Measures.

Pursuant to Article 50(1) of the Rules of Court, I certify that both pieces of evidence, embedded in footnotes 1, 2, 4, 5 and 6 above, are a true copy of the originals.

Accept, Excellency, the assurance of my highest consideration.

Dr Hissa Abdullah Ahmed **Al-Otaiba**
Ambassador of the United Arab Emirates to the Kingdom of the Netherlands
Agent of the United Arab Emirates

⁶ UN Web TV, "Qatar, UPR Adoption - 33rd Session of Universal Periodic Review", 17 May 2019, minutes 2:49 to 2:58, available at: <http://webtv.un.org/meetings-events/security-council/watch%20/watch/qatar-upr-adoption-33rd-session-of-universal-periodic-review-/6038129303001/?term=&sort=popular>.